

REMARKS

The Office Action has rejected claims 27 and 28 under 35 U.S.C. § 102(b) as being anticipated by Downs (February, 1995). In light of the arguments below and the enclosed Declaration, Applicants respectfully request reconsideration.

§ 102 Rejection

The March 19, 2003 Office Action has rejected claims 27 and 28 as being anticipated by Downs (February, 1995). The Examiner has cited Downs as "specifically observing the vasculogenesis of the allantoic stump" The Examiner has summarized Applicant's previous positions by noting that

"Applicants argue Downs did not teach observing vasculogenesis originating in the allantois. Applicant's argument is not persuasive because Fig. 4B clearly shows Downs observed vasculogenesis within the allantoic stump."

Applicants again reiterate that Downs, 1995 did not demonstrate observation of vasculogenesis. Applicants remind the Examiner that this language was discussed in a February, 2003 personal interview between the below-identified attorney and Examiner Wilson. Once again, Applicants thank Examiner Wilson for his helpful comments and point out that their arguments presented at the February, 2003 interview still apply.

Applicant asserts that Downs, et al. does not teach vasculogenesis originating in the allantois as opposed to vascularization which may originate elsewhere. As prior Declarations of Inventor Karen Downs assert, the Applicant at the time of the cited Downs, et al. article did not realize that vasculogenesis was occurring in the allantoic tissue. Applicant draws the Examiner's attention to Downs, et al., Developmental Biology 233:347-364 (2001) where Dr. Downs cites Downs, et al., 1998 and notes that "the murine allantois vascularizes initially by vasculogenesis rather than by invasion from the vitelline or fetal vasculatures." As Applicant's attorney has pointed out to the Examiner, it is this 1998 Downs, et al. paper that forms a basis for the present application.

Applicants have enclosed a Declaration of Inventor Karen Downs, the author of Downs, 1995. Dr. Downs clarifies that the word vasculogenesis was used in Downs, 1995 to mean "vascularization" of the allantoic regenerates. Dr. Downs clarifies that the reference does not demonstrate that allantoic mesoderm forms blood vessels "de novo" in a process of vasculogenesis. The word choice was simply an error.

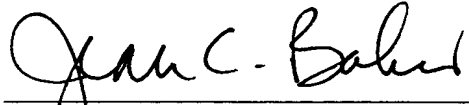
Applicant believes that the claims are in condition for allowance and respectfully request allowance. If further fees are necessary, please charge Deposit Account

17-0055. Applicant requests that the Examiner call the below-identified attorney with any questions or clarifications.

Respectfully submitted,

Karen M. Downs

May 7, 2003

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